

Commonwealth of Massachusetts. - General Court.

Slavery in the U.S. - Extension to the Territories

The Joint Special Committee, to whom was referred so much of the Governor's address as relates to the exclusion of Negro slavery from the newly acquired territory of the United States; also, certain resolutions of the Legislature of Ohio, relative to the acquisition and control of foreign territory by the United States; also, a report and resolutions of the Legislature of Virginia, upon the subject of fugitive slaves; also, certain resolutions of the Legislature of Connecticut, upon the subject of slavery; also, certain resolutions of the Legislature of Missouri, upon the subject of slavery; also, certain resolutions concerning slavery, introduced into the House of Representatives, by Mr. Wilson, of Natick, January 11, 1850; also, an order on the subject of instructing our Senators to vote against the compromise resolutions recently presented to the Senate, dated February 4, 1850, beg leave to present the following

REPORT

and Resolutions :

In considering the subject submitted to them, your committee do not deem it necessary to enforce their conclusions by elaborate argument or extensive historical research. The rights and duties of the States of this Union, growing out of the unhappy fact of slavery, are simple and obvious; resting upon acknowledged principles of law and government, and easily comprehended by every mind, not warped by sophistry or maddened by fanaticism.

It is well known that the Constitution of the United States embodies certain compromises upon the subject of slavery. It was believed by the eminent men who shared in its formation, and urged its acceptance upon the people, that without these compromises it never could have been adopted; and it was also believed by them, that the union of the states under the Constitution, was well worth the price of these concessions. There is no doubt that these views of the framers of the Constitution have always been, and are now, sustained by an immense majority of the people of the United States, who have been indebted, under Heaven, for their unexampled growth and prosperity, to the wise provisions of that inestimable instrument.

At the time of the adoption of the Constitution, there were six slave-holding states, and seven free states; though in some of these latter, slavery was recognized as a legal institution. Although, at that period, there was less sensibility to the wrongs and sufferings of humanity than there is at present, yet no one was then found so perverse in opinion, or so wanting in natural feeling, as to say one word in its defence. It was lamented by all as a deplorable evil, and by none more energetically and unequivocally, than by the leaders of public opinion, in what are now the slave-holding states.

But in the course of the sixty years of our national life, the subject of slavery has assumed new and important aspects. Under the fostering influence of liberal institutions, the whole country has made unexampled progress in wealth and prosperity, and, with the general growth of the country, there has been a corresponding increase in the numbers of that unhappy class, in whom alone our increasing wealth and power can awaken no emotions of pride and satisfaction. The area of slavery has been gradually extended by the admission of new slave-holding states, under circumstances too familiar to those who are acquainted with the history of the country, to be here recapitulated. Of the thirty states which now form our confederacy, fifteen are free states and fifteen are slave-holding states. Of these, the former contain an aggregate of population considerably superior to that of the latter; and we are fairly entitled to say, that no argument in favor of slavery can be drawn from the comparative condition of the north and the south, in material civilization, and moral and mental cultivation.

Within a recent period, we have acquired, by treaty with Mexico, the territories of New Mexico and California, comprising a region of more than five hundred thousand square miles, equal in extent to ten or twelve states of the size of New York. The future destiny of this territory throws a responsibility upon the whole country, and the Commonwealth of Massachusetts will not shrink from a performance of a duty which it imposes.

Since the adoption of the Constitution, important changes have also taken place in the general sentiments of the civilized world, upon the subject of slavery. The progress of Christianity, the spread of knowledge, the increase of benevolent and philanthropic feeling, and the diffusion of liberal principles, have created throughout Christendom a public opinion strongly adverse to the existence of slavery, which is constantly expressing itself in the language of warning, encouragement, expostulation and rebuke. To the formation of this general sentiment, the pulpit has lent its voice of authority, and the press its irresistible influence. Eloquence has swelled it by all its tones of power and persuasion, and poetry has commended it by the magic of its numbers. To this widely diffused public opinion we could not be insensible if we would, and would not be if we could. That of late years there has been among the free states, a growing sensibility to the wrongs and evils of slavery, is a fact which no one can deny, and which no right-minded and right-hearted person will regret.

This opposition to slavery is so strongly felt at the north, that it has formed a class or party of men, not numerous, but considerable from their zeal, their eloquence, and their courage, who openly assail the Constitution of the United States, on account of the compromises which it contains, and candidly renounce their allegiance to the Union, because of the protection which it gives to slavery. Such opinions, it need hardly be said, can find no echo in the Legislature of Massachusetts, as no member could entertain them without having committed perjury, and we are therefore not called upon to examine into, or controvert them.

On the other hand, there have been found a few persons at the south, who have had the hardihood to avow that slavery is in itself a commendable institution, essential to the ideal excellence of a republican form of government, and in which the happiness and improvement of the African race are best to be secured

and maintained. We believe that these monstrous opinions are not generally entertained, even by slave-holders themselves. We cannot think that even slavery has so far confounded the essential distinctions between right and wrong, and done such violence alike to reason and humanity. But we do believe that there is a class of slave-holders at the south, and probably an increasing class, who, alarmed by the growing agitation of the subject at the north, and stung by the irritating language in which it is so often discussed, really do think that their rights and interests would be safer if the Union were dissolved, and they were left to protect their property in their own way, without molestation or interference. We need not say that we believe these opinions to be entirely mistaken, but we have little doubt that they are sincerely held by a class of men, not numerous, perhaps, but exerting considerable influence from their ability, wealth, and social position.

These two extremes of opinion on the subject of slavery, find their organs of expression in the press and the political and deliberative assemblies of the country. While we deprecate and lament the violent language of those persons at the north, whose zeal against slavery, is so far without discretion as to lead them to favor disunion, we should be doing them injustice, if we did not recognize a distinction between them and the pro-slavery zealots at the south, who defend the principle of slavery, demand its extension, and look forward to its perpetual existence, with complacency and satisfaction. The former, are fairly entitled to such measure of respect, as may be claimed by men who are fearlessly and devotedly pursuing a noble object, but not wisely, not gently, not patiently, and, therefore, not successfully. But a man zealous for slavery, in the abstract, who wishes to extend it where it does not exist, and to perpetuate it where it does exist, is a moral monster, whose very existence gives stronger testimony against the institution, than argument or eloquence can supply.

Now we hold, that under our institutions, a man is lawfully entitled to write or speak against the government of the country under which he lives. He has a legal right, for instance, to argue in favor of monarchy, an established church, and an hereditary nobility, and against republican institutions in general. So he has a right to say that the Constitution of the United

States is all wrong, and that it ought to be set aside, and a better one substituted in its place. We hold, that to this right of discussion, there is no limit short of a breach of the peace, or an overt act of treason.

But, on the other hand, we are bound to make an election. We must accept the whole of the Constitution or none of it. We have no right to take its advantages and reject its inconveniences. We have no right to assent to so much of it as we approve, and reject the rest. We have no right to say that a particular provision is void, simply because we do not like it.

The Legislature of Massachusetts gives its adherence to the Constitution of the United States, and to the whole of it. We represent a law-abiding and order-loving community. We hold this to be no reproach, but an honor. We reverence the framers of the Constitution. We value and cherish the instrument itself, and the Union which it has maintained, and we mean to abide by both. But we mean, at the same time, to exercise all the rights which the Constitution secures to us, as a member of this Union.

The provisions of the Constitution on the subject of slavery are to be construed fairly, but strictly, because they are opposed to personal liberty and to natural right. Especially, no inference in favor of slavery can be drawn from the silence of the Constitution. These principles of interpretation are undeniable, and will not be questioned by any intelligent jurist, even at the south.

The opinions of the people of Massachusetts, in their legislative capacity, upon the subject of slavery, have been repeatedly and emphatically expressed, and it may be asked, why they are again proclaimed. To this we reply, that our attention has been called to the subject, not only by the address of his Excellency, the Governor of the Commonwealth, whose suggestions deserve, and will ever receive, our most respectful consideration, but because we believe, that in view of the destiny of the newly acquired territory of the United States, a crisis is approaching, which requires a mutual understanding and coöperation among the friends of law, liberty, order and progress, throughout the whole country.

There are many points of view from which the subject of slavery may be contemplated. It has its religious, its moral, its

social, and its economical aspects. These may be safely left to the various forms and modes of expression which the press, the pulpit, and the popular assembly supply. But we have to deal with it solely in its political relations. We are not a debating society or an anti-slavery convention. Our business is not to create public opinion, but to give it direction and expression. We are sent here to make laws for the State of Massachusetts, and, incidentally, to express the sense of Massachusetts, upon points of national interest, when it can be done with propriety and effect.

In the performance of this duty, as of all legislative duties, it becomes us to act with firmness, temperance, and discretion. We are not to take counsel of our passions, but of our reason and our judgment. Even the sympathies and the sensibilities, though they may supply motive and impulse, are unsafe guides and counsellors in the conduct of affairs. We repudiate all extravagance, exaggeration and over-statement on this subject, and all other subjects. We will not stoop to the language of menace or reproach. We do not believe that any good has, or ever will, come from the crimination or recrimination into which men so readily fall, when they discuss this question. We do not believe that men are made better by rousing their passions, or that a state of constant irritation is favorable to the growth of virtue or wisdom. We leave vehement denunciation, intemperate abuse, and threats of disunion, to those who think such exhibitions seemly and profitable; who either believe that they "do well to be angry," or else, for politic ends, counterfeit a passion which they do not feel. In our opinion, the subject of slavery, from the exciting nature of the topics it necessarily involves, peculiarly requires the application of wisdom, discretion, and forbearance.

Entertaining these views, your committee would express their entire assent to the opinions of his Excellency, the Governor of the Commonwealth, upon the introduction of Negro slavery into the territories of the Union which are now free. We view with the strongest reprobation, those men who have so far degenerated from the spirit of their fathers, as to maintain that the existence of slavery is in itself a good, to be perpetuated and extended; and, on the other hand, we have no sympathy with a party that denies the virtue of patriotism and rejects the Consti-

tution of our country. We abide by the letter and spirit of that instrument. The letter forbids us from interposing directly with a domestic institution, sanctioned by the laws of states whose jurisdiction within their own limits is supreme and exclusive, and for the evil consequences of which we are in no wise responsible, while the spirit should unite all parties in preventing its extension one inch beyond its existing limits.

We entertain no doubt of the power of Congress to exclude slavery from the territory of the United States which is now free, and we also entertain no doubt that they ought to exercise that power. The argument of the slave-holders, that to shut out them and their property from a region acquired by the common blood and treasure of the whole country, would be unequal, oppressive, and unjust, is answered by a simple statement of the legal character of slavery, which owes its existence to positive municipal law, is opposed to natural right, and not recognized by the common law. The argument involves a begging of the question as to the nature of property in slaves. It takes it for granted that the slave-holder has the same universal and unquestionable right to his slave that he has to his horse or his ox. This we deny. We admit that within certain local limits he has the same right. But this is a peculiar and exceptional case. We are now asked to enlarge the exception. But we prefer to leave the rule as it is.

But we are told that the exclusion of slavery from these territories will be followed by a dissolution of the Union, and Massachusetts and the other free states, are warned to recede from the ground which they have taken upon this subject, in view of the consequences which may ensue if they adhere to it.

In reply to this suggestion, we say in the first place, that we doubt the fact. We believe, that, in any event, the Union will be maintained. We believe that the fanatics of the north and the fanatics of the south, who, standing at the opposite poles of opinion on this subject, agree in thinking that the objects they aim at would be best accomplished by a dissolution of the Union, are not sustained by anything approaching to a majority in either section of the country. We believe, further, that many of those, who are most loud and flippant in the agitation of this subject, are encouraged by a secret consciousness of this fact, and that they themselves would be among the last to take the

responsibility of dissolving the Union, were it in their power to do so. Discontent is a clamorous, and content a silent, quality. To borrow a celebrated illustration, a few restless grasshoppers in a field, make more noise than a herd of cattle feeding and reposing in tranquillity. The great body of reasonable men who are attached to the Union, are a quiet class, neither writing paragraphs nor making speeches, but who would act with vigor and promptness, if necessary. We think that the south, if left to themselves, would submit to the will of the majority, on this subject, as on other subjects of general interest, but we also have little doubt that it is possible, by a course of unwise and exasperating agitation, to goad them into measures as disastrous to themselves as to us.

In the next place, we say that, with the views we entertain upon the extension of slavery, we are compelled to lay aside all consideration of the consequences which may flow from an adherence to these views. We feel a strong attachment to the Union. It has made us a powerful, a prosperous, and a happy people. We value our common recollections and our common hopes. We look back with pride upon our great past, and forward with hope to our animating future. From the consequences which would follow a violent disruption of the Union, we gladly avert our thoughts. But in that disastrous event, we should have at least the consolation of a conscience void of offence. But in giving our assent to the extension of slavery into regions now free, we should feel that we were guilty of a sin before God and man, for which there is no compensation and no equivalent. The sting of self-reproach would make our material prosperity of little value. The consciousness of wrong-doing would pursue us through all the paths of life, and impair the flavor of our daily bread. If we are called upon to do wrong, or suffer wrong, we prefer to suffer wrong.

From the language sometimes used by public men at the south, both at home and in Congress, we should infer that our southern brethren really supposed that opposition to slavery at the north, was confined to fanatics and disorganizers. We assure them that such is not the case. The feeling against slavery may be said to be universal among the people of the New England States. It is the sentiment of reasonable, moderate, and judicious men, who hold no extreme opinions, and would shrink

from all intemperate action. With those whose lives are governed by moral and religious ideas, it is a deep, moral and religious conviction, and, as such, is entitled to the respect of slave-holders themselves. Such persons believe slavery to be an institution which arrests all moral, religious, and intellectual growth in the enslaved race, and is no wise favorable to such growth in the dominant race. When, therefore, we are asked to consent to the extension of slavery into regions which are now free, we are asked to do that which morality and religion alike forbid. We can only be convinced that we are wrong in this sentiment, by being persuaded that slavery is an institution not opposed to morality and religion. Much as we respect the eloquence and ability of our southern brethren, we doubt whether they can ever shake our convictions on this point.

In conclusion, we beg leave to cite, for the consideration of the south, the remark of one whom they will admit to be a high authority. Mr. Jefferson, writing upon the subject of slavery, makes use of the striking expression, "I tremble for my country when I reflect that God is just." So we, reflecting that God is just, should tremble for ourselves and our children, if we aided in the extension of an institution which we believe to be opposed to all the attributes of God. The temporal misfortunes, which a firm adherence to duty may bring upon us, we shall endeavor to bear with the patience and submission with which it is our duty to receive the chastisements of divine Providence. But we will not buy temporal blessings with the price of what we deem wrong-doing. We will endure the shadow of sorrow, but not the stain of guilt.

For the Committee,

GEO. S. HILLARD, *Chairman.*

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Fifty.

RESOLVES

Concerning Slavery.

Resolved, That slavery is an institution, the existence of which is to be lamented alike by the patriot and the philanthropist, and which ought, on no account, to be extended beyond its present limits.

Resolved, That in expressing this, the universal sense of the people of Massachusetts, we are guilty of no want of loyalty to the Constitution, and no want of courtesy to the slave-holding states, for such was the opinion of the framers of the Constitution, of those from the slave-holding states, no less than of those from the free states, and the general sentiment of the whole country at the time of the formation of that instrument.

Resolved, That from what we know of the views of the framers of the Constitution, upon this subject, and from the language used by them in debating its provisions, we have no doubt that had they contemplated the possibility of the future extension of slavery, they would have prevented it by an express prohibitory clause.

Resolved, That by the Constitution, Congress has full power to legislate in regard to the territories belonging to the United States, and to make all needful rules and regulations respecting them, without any exception in favor of slavery.

Resolved, That it is the duty of Congress, to pass such laws as shall exclude slavery from the territories of the Union which are now free.

Resolved, That by a reasonable construction of the Constitution, the people of the slave-holding states have no more right to extend slavery beyond its present limits, than the people of the free states have, to interfere with the institution, within the territory of the slave-holding states themselves.

Resolved, That the Commonwealth of Massachusetts yields to none of her sister states in attachment to the Union; but that the further extension of slavery would, in our opinion, be alike a national misfortune and a moral wrong, to which no threats of disunion and no fear of consequences can ever induce us to give our assent.

Resolved, That Congress has full power to legislate upon slavery and the slave trade, in the District of Columbia; and that they ought to abolish the slave trade therein, immediately; and also, to take such measures as shall lead to the abolition of slavery in the said District, as soon as the same can be justly effected.

MINORITY REPORT.

The undersigned, being a minority of the committee to whom was referred so much of the Message of His Excellency the Governor, as relates to Slavery, ask leave to

R E P O R T :

The sentiments of Massachusetts on the subject of slavery, in itself, in its relations to the General Government, and, more particularly, in its relation to recent aggressions upon a neighboring republic, and the consequent vast acquisitions of territory, are spread upon her records too plainly and too fully, to allow of any misconception on the one hand, or of emphasis on the other.

Agreeing with her present chief magistrate, (Ann. Mess. 1844,) in the impropriety of frequent agitation, by local legislatures, of subjects solely within the province of the General Government, she also acquiesces in the sentiment, so truly expressed in the same message, that "there are occasions and subjects upon which it is the right and the duty of the state legislatures to speak, though action in the first instance may belong to Congress. Questions which involve some great interests, or the constitutional and reserved powers of the states, or the liberty of their citizens, are of this character. When upon such questions and such occasions, they send up their opinions, properly expressed, to the great council of the nation, they should go up as the united, solemn voice of the people of the state, uttered through their representatives. Under such circumstances, the opinion of a state, expressed with dignity by its constitutional organ, would be respected by those to whom it should be addressed."

The questions which have arisen during late years, concerning slavery and its aggressions, under and through the action of the General Government, have been uniformly deemed, by both the executive and legislative departments of the government, as affording "occasions and subjects upon which it is the right and duty of the State to speak." And now, that those questions are assuming a still graver aspect, and are becoming questions upon which the interests of freedom are more seriously and extensively staked, than ever before in the history of nations, Massachusetts justly feels that fidelity to herself, and to the interests of freedom and humanity, requires that she should again send up "to the great council of the nation, * * * the united, solemn voice of the people of the State." The questions to be decided, concern the institutions and destinies of vast territories, soon to be erected into great and powerful states. The moulding of those institutions and destinies is in our hands; and we may truly say, that never has there been pending in doubt, a legislative question involving such great and such enduring interests. Laws and enactments affecting an existing and established state or empire, have limits to their influence; but the fundamental laws, or principles, which are incorporated with the germination of states, destined to bud, blossom, and bear fruit, in the course of a single generation, possess a power, for good or for evil, illimitable and almost appalling. Subsequent enactments may modify and check, but may never effectually control their influence.

Of all the nations of the earth, it is upon these United States alone that Providence has devolved the stupendous duties and responsibilities of such legislation. Other governments repeal old laws and enact new ones, incorporate their subjects into new boroughs or cities, and modify the limits and powers of existing ones. But to us is given, upon a scale unprecedented in the annals of the world, the acquisition of territories and continents, the framing of states and of empires! Humility, under the responsibilities of such tasks, is far more appropriate and hopeful, than pride in view of their magnitude. It remains to be seen, and preëminently in the tasks that are now before the nation, whether this elevation, in point of duty and responsibility, is to prove our glory or our shame. Gladly would we avert our own eyes, and the eyes of the world, from the de-

plorable fact, that while the genius of the American Constitution seeks to extend over our newly acquired territories the ægis of her protection, and to sow her choicest seed amid the foundations of these embryo states, she is resisted and menaced by the threats of slavery. It is upon such an issue, so long as it remains open, that Massachusetts will seek every opportunity to raise her voice, through the representatives of her people, in her Legislature and in Congress. She will do all that she *can do*, which is, to utter "*the united, solemn voice,*" of her people, *in favor of Freedom and of Right*. She will do this by her votes, and by her protests, deeming them never stale, though oft repeated, but regarding herself as simply discharging a duty which is none the less imperative because of the slight *esteem*, which its discharge may encounter. And her record on this subject shall be right before men and before God, so that—if slavery is extended by national authority or sufferance, and the judgments of that just God before whom Jefferson "trembled," shall descend hereafter upon the nations,—*our* posterity may be able to plead with heaven, that, in this matter, *their* fathers "WALKED WITH GOD."

Never was a policy more adroitly conceived, or more shrewdly executed, than that which has led the nation, from small beginnings, to the position she now occupies with reference to the propagation and extension of slavery. The boldness and long foresight of the conception, which, years ago, put in train a series of unpretending events; the steady and successful pursuit of the end proposed; the depravation of the public morals, and the subversion of the public conscience, as it became necessary to urge the entire nation to deeds of wrong and horror, constitute features of this policy unparalleled in the annals of sagacity or shame, by any thing, save the pretence with which they gilded all, of *extending* "*the area of human freedom !!!*" * It behoves us to learn, that while republics have but little to fear from the direct impositions of tyranny, there is scarce a

* A letter from Mr. Murphy, our representative in Texas, to Mr. Upshur, Secretary of State, urging the annexation of Texas, holds the following language, (as quoted in the Annual Message of Governor, 1845,) "*Say nothing, therefore, which can offend even our fanatical brethren of the north; let the United States at once espouse the cause of civil, political, and religious liberty in this hemisphere. This will be found the safest issue to go before the world with,*"—and, he left others to add, the most basely hypocritical!

possible limit to the corruptions and mischief which it is in the power of the wary to occasion. We may be conquerors of kings and yet be victims to ourselves.

The questions now before the country concern the consummation of this policy. In part it has already been successful. The major part, however, is yet within control, and there now dawns encouragingly upon us, the hope that a kind Providence, assuming the work where it outgrows human control, will turn its wickedness to confusion; and, in mockery of, and yet in strange coincidence with certain professions, make it result indeed in extending "the area of human freedom." At such a crisis, we cannot withhold our testimony or our influence from the cause of human liberty, because we may fear that influence will be small, or that testimony prove impotent.

At the present time, Massachusetts has no new doctrines to promulgate, no new sentiments to utter. It is enough that, recurring to the principles that she has so often and so unitedly uttered, she shape them to the ever-changing phases and crises of the times. To utter abstractions; to read homilies on the excellence of freedom and the curse of slavery; to point a paragraph; to rebuke a faction; to deal in generalities, however elevated and moral, form no part of her purpose. She looks at measures as they arise, and brings them, each and every one in their succession, to the standard of her past declarations and of her living principles. And she feels that both the propriety and the force of her speaking, are to consist in her *speaking to the question*; in the adaptation of her words to the circumstances and the crises most prominent at the time. Therefore it is that, in responding to, and sustaining the voice of his Excellency on the subject of slavery, we look, first, to see what new phases have arisen in connection with a subject on which we have so often spoken, and on which we have nothing new in kind to offer. Without dwelling upon, or enumerating these phases, so well and so universally known, it is sufficient to say, that the undersigned have felt constrained specially to regard them, in the resolves which are herewith submitted.

As preliminary, however, to their introduction, and as making manifest their propriety, consistency, and point, it may not be amiss to recur to the positions and sentiments, varying, but never at variance, which are already spread on our records, as,

from time to time, we have protested, in the name of freedom, against the nefarious policy of perpetuating and extending slavery.

It is to the honor of our Commonwealth, that one of her own citizens, whose life was coeval and identified with the growth of his country, and whose death has rendered sacred the halls of the national capitol, was the first to foresee, proclaim, and denounce, the policy referred to, while yet in embryo; and it is to the honor of her people, that they, true to their instincts, have steadily and increasingly uttered their notes of condemnation. Never was there a truer record made of their sentiments, than in the language of the governor, (see Ann. Mess., 1844,) declaring that they "feel bound, by every consideration of justice and humanity, to oppose the least extension of an institution which they believe to be morally and politically wrong, and to exert every power, consistent with their constitutional obligations to the Union, to hasten the time when every human being in this republic, shall enjoy 'the inalienable right of life, liberty, and the pursuit of happiness.'"

As far back as 1840, when the government of the State was in the hands of the democratic party, we find the Legislature, declaring,

"That Congress ought to exercise its acknowledged power, in the immediate suppression of slavery and the slave trade in the District of Columbia;

"That the domestic slave trade between the states ought to be abolished by Congress without delay;

"That no new state ought to be admitted into the Union, whose constitution shall tolerate domestic slavery."

We find no further records of the Legislature, touching either of these subjects, until the same party came again into power, in the year 1843, at which time, the subject of the annexation of Texas began prominently to occupy the political horizon. Then the Legislature of Massachusetts distinctly protested against any such proposition, as dangerous to the "peace, prosperity, and blessings, of a free government," and requested its representatives and senators in Congress, "to spare no exertions to oppose it."

In 1844, our present chief magistrate, upon assuming his office for the first time, uttered the sentiments which have been

quoted above. In response thereto, the Legislature, in strong and pointed language,—the annexation of Texas being then the measure proposed,—denied the power of the General Government “to unite an independent foreign state with the United States,” and declared that Massachusetts is determined “to submit to undelegated powers in no body of men on earth,” and denounced the proposition as tending “to drive these states into a dissolution of the Union,” and exposing them to the calumny of “seeking to extend and perpetuate the subjection of their slaves.”

At the opening of the year 1845, the propagandists of slavery, seeing no hope of perfecting their scheme for the annexation of Texas, through the treaty-making power of the United States Senate, had formed the desperate purpose of procuring for it the best sanction that they could, by the passage of joint resolutions of the two houses of Congress. Thus was developed another act in the drama.

Upon the assembling of the Legislature, the governor, though only the year before he had deprecated the frequent and needless agitation of national subjects in local legislatures, rightly deemed the crisis as affording one of the questions which made it “the right and the duty of the State Legislature to speak.” *One third* of his message is devoted to the discussion of this subject, clearly evincing the importance which such a crisis justly assumed in his mind. Alluding to the ground which Massachusetts had assumed by her resolves of the preceding year, he concludes by saying, “For the honor of her name and the justice of the cause, it is hoped that she will remain firm and immovable in her position.”

The Resolves of that year declare the following sentiments :

That Congress has no power, whatever, by law or precedent, to admit a foreign state.

That she has no power to do it by legislation, and that “such an act of admission would have no binding force, whatever, on the people of Massachusetts.”

That she can do it only by the consent of the people, “in such way, and manner, as the people shall hereafter designate and appoint.”

“That the people of Massachusetts will never consent * * * to admit Texas, or any other state or territory * * * on

any other basis than the perfect equality of freemen. And that while slavery, or slave representation forms any part of the claims, or conditions of admission, Texas, with their consent, can never be admitted."

These Resolves were approved Feb. 22d. Subsequently, Texas was admitted by joint resolution. Whereupon the Legislature passed additional Resolves,

Refusing "to acknowledge the act * * * as a legal act, in any way binding her from using her utmost exertions * * by every lawful and Constitutional measure, to annul its conditions, and defeat its accomplishment."

Stating the act to be "with the declared intention of giving strength to the institution of domestic slavery * * an alarming encroachment on the rights of freemen * * a perversion of the principles of Republican government," &c., &c.

That slavery is a matter exclusively belonging to the states in which it existed at the formation of the Constitution; "but now, that it arrogates the control of millions of freemen living beyond them, and puts at hazard the predominance of the principles of liberty in America, it justifies the adoption, on their part, of a systematic policy of counteraction, by lawful and Constitutional means, even though that policy should ultimately bring on the downfall of slavery itself."

"That the Constitution of the United States was framed in order to protect a people of freemen, and perpetuate the blessings of liberty to them and their posterity, and that Massachusetts will cooperate with any, or all of the free states of the Union, in an honest endeavor, by lawful means, to restore it in every case where it has been perverted from the fulfilment of its original and noble purpose."

And then, feeling herself to stand on the ground of truth, and speaking with a becoming earnestness, she asserts the principle for which freemen are now warmly contending, against "any compromise, whatever," viz.,

Resolved, "That no territory hereafter applying to be admitted to the Union, as a state, should be admitted without a condition that domestic slavery should be utterly extinguished within its borders, and Massachusetts denies the validity of any compromise whatsoever, that may have been, or that hereafter may be, entered into by persons in the government of the Union,

intended to preclude the future application of such a condition by the people acting through their representatives in the Congress of the United States."

Thus, nobly end the records of Massachusetts, for 1845. We borrow the language of her Governor; "For the honor of her name, and the justice of her cause, it is hoped she will remain firm and immovable;" and, (we add,) amid the seductions of friendly, as through the storms of opposing administrations.

In 1846, the Governor devotes about one-third of his annual message to the subject of the tariff, which was, at that time, the important measure before Congress. Alluding to the disposition to withhold all protection from free labor, he asks the following pertinent question, "Shall the powers of our national Legislature be exerted to protect the capital of one portion of the Union, consisting of property in human beings, whilst that protection shall be withheld from the property and the labor performed by the muscles of freemen, in all the rest of the Union?"

The Legislature passed Resolves concerning the tariff, affirming the views of the Governor. Those Resolves are pertinent and appropriate.

In 1847, another anticipated act in the drama of slavery-aggression, began to open. A war with Mexico, and the consequent indefinite acquisition of territory was commenced. Thus, the question of bitter strife was to be re-opened and indefinitely enlarged. The Governor again devotes one-third of his annual message to topics connected with the war and acquisition of territory, — ably arguing against the admission of more slave states, and urging the propriety and duty of applying the principles of the ordinance of 1787.

The Legislature of that year, in response to the Governor, reaffirm their hostility to the extension of slavery, and "in behalf of the people of this Commonwealth, do hereby solemnly protest against the acquisition of any additional territory, without an express provision by Congress, that there shall be neither slavery nor involuntary servitude in such territory, otherwise than for the punishment of crime."

In subsequent Resolves of the same year, the Legislature holds the strongest, most indignant, and condemnatory language concerning the inception and the purposes of the Mexican war, as "against a weak neighbor," for "conquest," "extending

slavery," * "strengthening the slave power, and obtaining control of the free states;" denouncing it as "hateful," "wanton, unjust and unconstitutional;" * as against "freedom," "humanity," "justice," "the Union," "the Constitution, and against the free states;" and directing attention "anew to the wrong and enormity of slavery, and to the tyranny and usurpation of the slave power," declares her "unalterable conviction," that a regard for the "fair fame of our country," * "morals" and "righteousness," * * "requires all Constitutional efforts for the destruction of the unjust influence of the slave power, and for the abolition of slavery, within the limits of the United States."

Such is the oft promulgated and the unrepealed doctrine and purpose of Massachusetts. If others step out of the Constitution to make war on us, we will carry the war, as far as we can, *under the Constitution*, into their territory.

In 1848, the Governor makes subjects of a kindred nature prominent in his message; but the Legislature, probably finding that their predecessors had left them no terms of strong abhorrence and denunciation to use, passed no Resolves.

A report of a committee on the subject of the Mexican war, without resolves, was accepted by both branches of the Legislature, expressing in as strong, or stronger language, the sentiments which we have so abundantly cited above.

In the fall of that year, occurred the Presidential election, into which entered, pre-eminently, the questions concerning slavery, which had for years awakened the attention of the people. And it is but recording an historical fact, when we say that the confidence of the people in the substantial fidelity of Gen. Taylor's administration to the cause of Freedom, was that, without which, he could have never received the electoral vote of the State. There were three candidates before the people; one *avowing* the principles, which Massachusetts had so often and so sincerely avowed on the subject of the extension of slavery; another carefully refraining from any direct expression of his opinions on these subjects; while the remaining candidate distinctly denied the constitutional power of Congress to carry out the views, which Massachusetts had declared. The former failed of the electoral vote of this State chiefly through an alledged lack of confidence in his sincerity; the second one re-

ceived it, as above stated; while the vote for the latter was carried to a point of relative diminution, rarely if ever reached by the party which he represented. While, therefore, the plurality of the popular vote was for General Taylor, the immense majority was adverse to the principles and candidate represented in the Nicholson letter.

Thus we had another expression, by popular vote, of the opinions and feelings of the people of the State, on the subject of the extension of Slavery—A plurality clung with fond expectation, to one, though sparing in his pledges, who inspired them with the greatest hope; while an overwhelming majority pronounced their verdict against the candidate whose views and policy would prevent any action of Congress restraining, or affecting the extension of Slavery.

The records of the following year (1849) furnish additional comments on the views and hopes of the people, in casting the vote of the State for Gen. Taylor. The Governor, as is his laudable custom, recurring, in his annual message, to the subject of the territories, comments upon the propriety and wisdom of the ordinance of 1787, and urges and defends its application to the present territories of the Union, citing the authority of the late Congress, and the late President, who ingrafted its provision upon the territorial government of Oregon. At this point he uses the following language, "Should Congress, at the present session, fail to extend it (the ordinance of 1787) over the whole of the newly acquired territory, their immediate successors will have it to do; and to the President elect will belong the honor of carrying out the principles of Washington, and the early Presidents, whose example he has avowed his intention of following, by giving to it the sanction of his official approval." This clearly indicates the expectations of his Excellency, and his view of the people's expectations concerning the course of the incoming administration. The resolves of this same year (1849), respond fully to the views of the Governor, as to the ordinance of 1787, and assert clearly the power, the right, and the duty of Congress to apply it to our present territories, "to the end, that the institution (slavery) *may be perpetually excluded therefrom, beyond every chance and uncertainty.*" These Resolves, approved by the Governor, (Feb. 27, 1849,) bring down the history of Massachusetts sentiment and position to that time.

The views of the Governor, as expressed in his address, delivered to the present Legislature, are clear and able upon the propriety, constitutionality, and duty of applying the ordinance of 1787 to the present territories. We find, up to this point, that the records of Massachusetts are true, fearless, explicit and consistent. What further record we shall make, in response to the address of his Excellency, is the matter referred to your Committee.

In reporting upon this subject, and especially in recommending any form of legislative action, the undersigned feel, that the delicacy and difficulty of the duty is very much enhanced in view of the position assumed by the President in his message to Congress, concerning the territories, dated Jan. 21st, 1850.

As a practical position, though differing theoretically, it seems to be strikingly accordant with that assumed in the famous Nicholson letter, so repugnant to both the records, and the votes of the people of this Commonwealth;—a position hardly answering our hopes, and even calculated to raise an uncomfortable doubt, whether the principles of the ordinance of 1787, if incorporated into a territorial bill, or a bill admitting a new state, would receive his official sanction.

The people of Massachusetts can have no wish to embarrass an administration, which they have, so recently, with fond expectations, helped to create. They desire to sustain it, even to the sacrifice of some of their individual views; but in the present instance it seems to be due to their honor, self respect and consistency, that they should briefly re-assert the positions they now, and always have occupied, on the subject of slavery, in its relations to the General Government, and to the territories; that they should do this firmly, yet temperately, and in a spirit of true respect to an administration, from whose position we are constrained, reluctantly, but decidedly, to differ.

It appeared to the undersigned, that the excellent Report and Resolves of the majority of the Committee failed to meet, in the best manner, the complexity of the present crisis. Whether those, which are herewith submitted, are better suited to the circumstances and occasion, the Legislature will judge. The object has been not to attempt any thing new, but, simply recurring to the records of the past, to re-assert opinions receiving almost the universal assent of the people, and only so far to

recognize the recent position of the President, which we must all regret, as to forbid all supposition, that it can lead us to the least abandonment of our own. The attempt has been honestly made to do this in a manner fully consistent with respect to the President, and as temperately as seems reasonably consistent with respect to ourselves.

The undersigned ask leave to report the accompanying Resolves.

For the minority,

ERASTUS HOPKINS.

Feb. 12, 1850.

RESOLVES.

Whereas, the questions now pending in Congress, concerning the government of our newly acquired territories, and the formation and admission of states therefrom into the Union, are questions involving great principles and responsibilities; and

Whereas the opinions of the people of Massachusetts concerning them, are unchanged and unaffected by any political mutations of the country, or by any causes whatever, and

Whereas, the said people are jealous lest any contrary inference should be unjustly drawn, from their silence at the present crisis, and are desirous of being fully and unequivocally understood, as holding to the same views, sentiments and purposes, which they have so often expressed,—therefore,

Resolved, That the people of Massachusetts, in view of the aggressions of slavery on the peace and honor of the country, on the Union, the Constitution, the rights of the people of the free states, and the persons and liberties of their unoffending citizens; and, also, in view of the evils and wrongs inherent in the system of slavery itself, do again solemnly declare their sense of duty, and their purpose,

To resist the extension of slavery into any of the territories of the Union where the same does not already exist—by the application of the principles of the ordinance of 1787;

To resist the admission of new slave states into the Union;

To resist the admission of free states, except on the basis of a compact—as solemn and as binding as the constitution and laws will admit—prohibiting any future introduction of slavery or involuntary servitude, except for crime;

To seek the abolishment of slavery and the slave trade in the District of Columbia, in the most expeditious and equitable manner;

To seek the withdrawal of the power and the influence of the General Government from the support or countenance of slavery, except so far as the Constitution requires; and

To use every constitutional and honorable means to effect the removal of the curse of slavery from our fellow-citizens of

the slaveholding states;—and, that in the prosecution of these views, they feel bound, by the most solemn sense of duty to humanity and freedom, to use every constitutional means with untiring assiduity.

Resolved, That the people of Massachusetts regret the existence of such questions as are now agitating the public mind, threatening the Union, impeding appropriate legislation, and alienating those who should live under our constitution, and Union, as brethren :

That they feel no share in the responsibility of raising these questions, against which, when foreseen, they have uniformly lifted up their voice of warning and protest ;

That, since they must assume their share of responsibility in deciding questions which they have earnestly sought to avoid, they can act in no other way, than in strict accordance with their oft declared and now reiterated principles ;

That, did the questions in controversy merely concern sectional interests, or philosophical abstractions and sentiments, the people of Massachusetts, though confident in their own right, would gladly and generously entertain propositions of concession and arrangement ; but, since these questions appeal to our deepest sense of justice, involving a contest between right and wrong, between freedom and slavery—a contest needlessly, pertinaciously, and wickedly provoked by the latter—every proposition or form of compromise, becomes necessarily, inadmissible and impossible.

Resolved, That the people of Massachusetts cherish the Union with unabated attachment ; that they will obey and support the Constitution ; that, appreciating all the inestimable benefits flowing from it, they believe it preferable for all parties and sections, with reference to the remedy of any existing evils, to wait and work patiently under and through the Constitution, than to override and destroy it ; and they have not the least doubt, that they hold these sentiments in common with overwhelming majorities of the people of these United States : but, in any event, they will follow their principles, deterred by no threats of disunion, or any puerile fears, that a course of truth and righteousness can have any other ultimate tendency, than

to strengthen and consolidate a nation against the futile attacks of all, who seek to overthrow it.

Resolved, That the people of Massachusetts, in casting their electoral vote, under their Constitution, for the present national administration, acted under the confident persuasion, that, by so doing, they should best promote the cause of freedom in the territories of the Union, and most successfully oppose the election of a chief magistrate committed against any national action on this subject.

That, while they respect the present Chief Magistrate of the Union, their own self-respect demands, that they frankly dissent from his views, as expressed in a recent message to Congress on the subject of the territories;

That they claim for the territories of the United States, and the people now inhabiting, and hereafter to inhabit them, the protection of the principles of the ordinance of 1787, and that the said ordinance be immediately applied to said territories, with all possible sanctions and solemnities of promulgation and law; and, borrowing the language of a former Legislature, (Resolves of 1845,) "That no territory hereafter applying to be admitted to the Union, as a state, should be admitted without a condition, that domestic slavery should be utterly extinguished within its borders, and Massachusetts denies the validity of any compromise whatsoever, that may have been, or that hereafter may be, entered into by persons in the Government of the Union, intended to preclude the future application of such a condition by the people acting through their representatives in the Congress of the United States."

Resolved, That, whatever may be the views of the President and his Cabinet, the people of Massachusetts must stand firm, and do hereby enjoin it upon all who represent them in the National Congress to stand firm, upon the principles, which they have considerably and repeatedly asserted;

That, however ready we may be to waive lesser questions, in view of the greater importance of maintaining party integrity, we view the questions, on which we are compelled respectfully to differ from the President, as above party, and so directly appealing to the conscience of every man, that no party consideration can override it.